

# INFORMATION SHEET

## DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2003-00501

**DATE OF DETERMINATION:** April 3, 2006

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:

At the project site Y Date: September 17, 2003 (Y/N)

### PROJECT LOCATION INFORMATION:

State: New York

County: Saratoga

Center coordinates of site by latitude & longitude coordinates: lat:43-3-52.8120 lon:73-43-20.5320

Approximate size of site/property (including uplands) in acres 80.025

Name of waterway or watershed: Bog Meadow Brook

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.02								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?			X		
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2003-00501**

**ADDITIONAL INFORMATION SUPPORTING NJD**

**1. Site Conditions:**

Total acreage of site: 80.025 acres

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): ☐

\* If wetlands are present, indicate Cowardin classification: PFO

Total acres of jurisdictional waters on site: 34.0 acres

Position of jurisdictional waters in landscape and watershed:

The wetlands on the site are located in the flats along the base of a sandy ridgeline and within the floodplain of Bog Meadow Brook  
Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The wetlands are undisturbed, although the some of upland areas have been used for agriculture and selectively logged, and the surrounding areas have been developed for residential uses.

**2. Rationale Used To Determine NJD:**

Isolated, intra-state water #1 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): ☐

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.02

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

This wetland is located in a depression area within an old seasonal road

The aquatic resource XX is ☐ is not located completely within the project site.

The aquatic resource ☐ is XX is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is XX is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

# **INFORMATION SHEET**

## **DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2003-00801

**DATE OF DETERMINATION:** April 3, 2006

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:

At the project site Y Date: October 24, 2003

(Y/N)

### **PROJECT LOCATION INFORMATION:**

State: New York

County: Albany

Center coordinates of site by latitude & longitude coordinates: lat:42-43-41.3760 lon:73-49-9.4800

Approximate size of site/property (including uplands) in acres 9.85

Name of waterway or watershed: Unnamed Tributary to Shakers Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.04								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2003-00801**

**ADDITIONAL INFORMATION SUPPORTING NJD**

**1. Site Conditions:**

Total acreage of site: 9.85 acres

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO

Total acres of jurisdictional waters on site: 3.44

Position of jurisdictional waters in landscape and watershed:

The jurisdictional waters on the site are headwaters. The stream is an intermittent surface tributary to Shakers Creek. Shakers Creek is a direct tributary of the Mohawk River, a navigable water. The wetlands and stream drain to the east and are situated at varying elevations on the site.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The subject site is forested, with no signs of recent disturbance. The existing Shaker Run apartment complex forms the northern border of the site. To the south and east there are preserved wetlands and uplands. A nature trail also borders the site.

**2. Rationale Used To Determine NJD:**

Isolated, intra-state water #1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.04

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

The isolated wetland is located in the central western portion of the site, a minimum of 75 feet away from the nearest jurisdictional wetland and approximately 170 feet to the south of the on-site stream. The isolated wetland sits within a "bowl", having an abrupt upland/wetland boundary. The boundary of the jurisdictional wetlands closest to the isolated wetland is also abrupt. There is an upland knoll in between these two areas. There is no evidence of disturbance around the isolated wetland that could have caused it to become disconnected from the surrounding large jurisdictional wetland and stream complex. The isolated wetland is approximately 3 feet higher in elevation than the nearest jurisdictional wetland.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by X a surface channel

X underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2003-01290

**DATE OF DETERMINATION:** April 3, 2006

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:

At the project site Y Date: 11/5/03 and 11/24/04 (Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York

County: Clinton

Center coordinates of site by latitude & longitude coordinates: lat:44-39-6.9840 lon:73-29-35.9880

Approximate size of site/property (including uplands) in acres 45.15

Name of waterway or watershed: Unnamed Tributary to Salmon River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.23								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R  
APPLICATION NO. 2003-01290

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 45.15

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO, PSS

Total acres of jurisdictional waters on site: 12.06

Position of jurisdictional waters in landscape and watershed:

The waters drain to the south and east, toward the Salmon River located approximately 0.5 away from the site. The wetlands used to contain an unnamed stream that was lost to historic disturbance. The northern most wetland continues to contain a stream that is located just outside of the project boundary. The wetlands are relatively flat, and formed on Pipestone Fine Sand, considered glacial outwash material.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The site has historically been disturbed from activities associated with the former Plattsburgh Air Force Base. Subsequently, a business has been constructed here, and an expansion of this facility is proposed. No other land uses occur at this time.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.03

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

This wetland is located in between Interstate 87 and Frontage Road, an area that has been disturbed. The wetland is emergent, which is not similar to the jurisdictional wetlands on the site. It appears this wetland was established due to previous excavation activities.

The nearest jurisdictional wetlands are located at least 250 to the north and 375 feet to the south.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by X a surface channel

X underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #2 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PSS

Acres of this NJD aquatic resource within property: 0.2

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

This wetland is located in the eastern portion of the project site. Although jurisdictional wetlands are close to this wetland, they are separated by a forested (white pine) upland area. The boundary between the isolated wetland and the upland is abrupt. There are no surface connections between these wetlands.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by X a surface channel

X underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2005-01084

**DATE OF DETERMINATION:** April 3, 2006

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:

At the project site Y Date: November 15, 2005  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York

County: Saratoga

Center coordinates of site by latitude & longitude coordinates: lat:42-57-2.9880 lon:73-49-59.9880

Approximate size of site/property (including uplands) in acres: 125.40

Name of waterway or watershed: Unnamed Tributary

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.80								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2005-01084**

**ADDITIONAL INFORMATION SUPPORTING NJD**

**1. Site Conditions:**

Total acreage of site: 125.40 \_\_\_\_\_

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM, PFO, PSS \_\_\_\_\_

Total acres of jurisdictional waters on site: 23.70 \_\_\_\_\_

Position of jurisdictional waters in landscape and watershed: All waters within wetlands and unnamed tributaries on the project site drain into unnamed tributaries to Ballston Creek, which flows into Round Lake, then into the Anthony Kill, which drains into the Hudson River, a navigable waterway. \_\_\_\_\_

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The site consists of abandoned agricultural fields and undisturbed forest. \_\_\_\_\_

**2. Rationale Used To Determine NJD:**

Isolated, intra-state waters I, J, BB, CC, and YY

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM \_\_\_\_\_

Acres of this NJD aquatic resource within property: 0.32 \_\_\_\_\_

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): These wetland areas are located throughout the site. However, they have similar vegetation and soils to the jurisdictional wetlands on the property. No discernable inlets or outlets were observed. They appear to have been created as a result of past agricultural activities. Wetlands BB and CC are located the closest to jurisdictional wetlands, being 25 linear feet away.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by    a surface channel  
   underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water K

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PSS \_\_\_\_\_

Acres of this NJD aquatic resource within property: 0.48 \_\_\_\_\_

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): This wetland area is located approximately 300 linear feet south of Wetland H. However, it has similar vegetation and soils to the jurisdictional wetlands on the property. No discernable inlets or outlets were observed. It appears to have been created as a result of past agricultural activities.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by    a surface channel  
   underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.



# **INFORMATION SHEET**

## **DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2005-00830

**DATE OF DETERMINATION:** April 7, 2006

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:

At the project site Y Date: September 13 and October 13, 2005

### **PROJECT LOCATION INFORMATION:**

State: New York

County: Rensselaer

Center coordinates of site by latitude & longitude coordinates: lat:42-44-0.9960 lon:73-25-19.9920

Approximate size of site/property (including uplands) in aeres 50.35

Name of waterway or watershed: Dyken Pond

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.03								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2005-00830**

**ADDITIONAL INFORMATION SUPPORTING NJD**

**1. Site Conditions:**

Total acreage of site: 50.35

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO/PEM

Total acres of jurisdictional waters on site: 4.68

Position of jurisdictional waters in landscape and watershed:

The streams and their adjacent wetlands are topographically contained and slope downhill and enter Dyken Pond. Other wetlands are directly adjacent to Dyken Pond. They are headwaters that discharge into the Poesten Kill, a perennial watercourse that becomes navigable further downstream.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Recent prior disturbance on-site is due to landclearing. There is documented use of the site since the 19th Century. The site is currently predominantly forested. Phase I of the subdivision and its associated access road have already been constructed.

**2. Rationale Used To Determine NJD:**

Isolated, intra-state water # 1 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.01

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

This wetland is a sloping wetland located at least 425 feet away from and uphill from the nearest jurisdictional waters of the United States. It is also about 40 higher in elevation than the nearest jurisdictional wetland. It is a naturally occurring wetland that is surrounded by forested uplands. The downhill portion of the wetland just dissipates, with no surface outlet. Although this wetland has similar vegetation and soils as the jurisdictional wetlands, there is no evidence of any disturbance that could have caused a disconnection between them.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☒ a surface channel

☒ underground culvert ☒ other means (identify) by which water could flow between the two:

\_\_\_\_\_  
The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #2 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.02

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

This wetland is a depressional wetland located at least 540 feet away and uphill from the nearest jurisdictional waters of the United States. The upland/wetland boundary is abrupt. The surrounding uplands are also forested. There is no outlet for water to flow out of this wetland. Evidence suggests that water pools in this wetland for a long period of time each growing season. Unlike the other wetlands on the site, this wetland has a lack of an understory.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☒ a surface channel

☒ underground culvert ☒ other means (identify) by which water could flow between the two:

\_\_\_\_\_  
The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2003-01478

**DATE OF DETERMINATION:** April 13, 2006

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:

At the project site Y Date: April 13, 2004  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York

County: Saratoga

Center coordinates of site by latitude & longitude coordinates: lat:42-48-24.9840 lon:73-48-10.0080

Approximate size of site/property (including uplands) in acres 95.79

Name of waterway or watershed: Unnamed Tributary to Old Erie Canal

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.06								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?			X		
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R  
APPLICATION NO. 2003-01478

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 95.79 acres

The jurisdictional waters on site consist of (check as many as are appropriate):

XX Pond ☐ Lake ☐ Stream XX Wetlands\* ☐ Tidal Waters ☐ Other (identify type): ☐

\* If wetlands are present, indicate Cowardin classification: PEM/PFO

Total acres of jurisdictional waters on site: 13.19

Position of jurisdictional waters in landscape and watershed: The wetlands and pond on the site are located within broad swales and flats between and along a ridgeline above the Mohawk River valley, and are contiguous with, and adjacent to various unnamed tributaries to the Old Erie Canal, a navigable water of the United States.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The site includes area of undisturbed forest and areas historically used for agriculture.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1 (Wetland Area I) (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream XX Wetlands\* ☐ Tidal Waters ☐ Other (identify type): ☐

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.06

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): This wetland is located within a depressional area with no defined inlet or outlets, and is surrounded by mature forested uplands. The wetlands is located approximately 200 linear feet from Wetland Area E, the closest jurisdictional wetland on the site, and 250 linear feet from Watercourse 4, the closest tributary on the site. This wetland has similar soils, vegetation, and hydrological regime to Wetland Area E, and has an average ground surface elevation approximately 4 feet higher than Wetland Area E.

The aquatic resource XX is ☐ is not located completely within the project site.

The aquatic resource ☐ is XX is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is XX is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2003-00119

**DATE OF DETERMINATION:** April 17, 2006

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) **N** **Date:**  
 At the project site **Y** **Date:** April 14, 2003  
 (Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York

County: Sullivan

Center coordinates of site by latitude & longitude coordinates: lat:41-38-14.4960 lon:74-39-32.5080

Approximate size of site/property (including uplands) in acres: 92 acres

Name of waterway or watershed: Neversink River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.65								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved **X**

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): The subject site is located within the existing Sullivan County Landfill.

**CENAN-OP-R**  
**APPLICATION NO. 2003-00119**

**ADDITIONAL INFORMATION SUPPORTING NJD**

**1. Site Conditions:**

Total acreage of site: 92 acres.

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO1, PSS, PEM

Total acres of jurisdictional waters on site: 9.44 acres.

Position of jurisdictional waters in landscape and watershed: These areas were associated with the East Branch of Tannery Brook, and an unnamed tributary to the Neversink River. Tannery Brook is a tributary to the Neversink River, and the Neversink River is a tributary to the Delaware River.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

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**2. Rationale Used To Determine NJD:**

Isolated, intra-state water # E, F, I, K and P

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: These wetland areas consisted of PFO1, PSS, and PEM

Acres of this NJD aquatic resource within property: 0.31 acres

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): These areas appeared to be wetland depressions surrounded by uplands, and were located at higher elevations than the jurisdictional wetland areas located on site. These areas also ranged from 100 to 500 feet from the surrounding jurisdictional wetlands areas. In addition, no visible surface water conveyances were noted entering or exiting the areas.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☒ a surface channel

☒ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # N

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PSS and PEM

Acres of this NJD aquatic resource within property: 0.34 acre

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): This wetland area is located along a power line easement. It appears to be a wetland depression surrounded by uplands. It is located at a higher elevation and is approximately 150 feet from the jurisdictional wetland areas located on site. No visible surface water conveyances were noted entering or exiting this area.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☒ a surface channel

☒ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2004-00803  
**DATE OF DETERMINATION:** April 17, 2006  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N **Date:**  
At the project site Y **Date:** September 29, 2004  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Orange  
Center coordinates of site by latitude & longitude coordinates: lat:41-25-56.4240 lon:74-12-54.9360  
Approximate size of site/property (including uplands) in acres 47.95  
Name of waterway or watershed: Unnamed Tributary to Cromline Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.74								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2004-00803**

**ADDITIONAL INFORMATION SUPPORTING NJD**

**1. Site Conditions:**

Total acreage of site: 47.95

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): ☐

\* If wetlands are present, indicate Cowardin classification: PEM, PFO

Total acres of jurisdictional waters on site: 0.78

Position of jurisdictional waters in landscape and watershed:

Wetlands associated with on-site drainage.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Agricultural.

**2. Rationale Used To Determine NJD:**

Isolated, intra-state water # 1 (Wetland "A")

The NJD aquatic resources on site consist of (check as many as are appropriate):

☒ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): ☐

\* If wetlands are present, indicate Cowardin classification: PEM, PSS

Acres of this NJD aquatic resource within property: 0.63

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Appears to be an old farm pond. Located approximately 50 feet from and approximately 3 feet higher in elevation than nearest waters of U.S.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☐ a surface channel  
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 2 (Wetland "C")

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): ☐

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.05

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland located approximately 50 feet from and approximately 2 feet higher in elevation than nearest waters of U.S.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☐ is not connected to waters of the U.S. by ☐ a surface channel  
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 3 (Wetland "E")

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): ☐

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.06

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetlands located approximately 700 feet from and approximately 94 feet higher in elevation than nearest waters of U.S.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☐ a surface channel  
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.



**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2005-00215

**DATE OF DETERMINATION:** April 17, 2006

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N **Date:**  
At the project site Y **Date:** June 28, 2005,  
(Y/N) January 27, 2006

**PROJECT LOCATION INFORMATION:**

State: New Jersey

County: Bergen

Center coordinates of site by latitude & longitude coordinates: lat:40-49-24.9960 lon:74-4-45.0120

Approximate size of site/property (including uplands) in acres 2.3 linear mile alignment

Name of waterway or watershed: Hackensack River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.03								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?			X		
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):Field JD (Y/N)

**CENAN-OP-R**  
**APPLICATION NO. 2005-00215**

**ADDITIONAL INFORMATION SUPPORTING NJD**

1. Site Conditions:

Total acreage of site: 2.3 mile linear site.

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☒ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: Estuarine and tidal Riverine emergent wetlands.

Total acres of jurisdictional waters on site: 49.81 acres.

Position of jurisdictional waters in landscape and watershed: The emergent wetlands are associated with Berry's Creek, a tidal tributary to the Hackensack River.

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Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The 2.3 mile linear site is situated in the west central portion of the Hackensack Meadowlands District, it extends along existing railroad tracks, crosses an existing Superfund site, includes a portion of Berry's Creek with associated tidal emergent wetlands (including Walden Marsh) and terminated on Sports and Exposition Authority property.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (D Line)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☒ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.03 acres

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): This area is a depression that appears to collect water and sediment. Hydrophytic vegetation occupies the area. This area may have developed from construction activities.

This area is located within the Sports Authority property and is surrounded by a paved parking. No visible surface water conveyance noted entering or exiting the area.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2005-00774

**DATE OF DETERMINATION:** April 17, 2006

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:

At the project site Y Date: August 2, 2005 (Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York

County: Dutchess

Center coordinates of site by latitude & longitude coordinates: lat:41-45-15.9840 lon:73-55-26.0040

Approximate size of site/property (including uplands) in acres 356 acres

Name of waterway or watershed: Hudson River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands				6.03					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Ocur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?			X		
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2005-00774**

**ADDITIONAL INFORMATION SUPPORTING NJD**

1. Site Conditions:

Total acreage of site: 356

The jurisdictional waters on site consist of (check as many as are appropriate):

X\_\_ Pond \_\_ Lake X\_\_ Stream X\_\_ Wetlands\* \_\_ Tidal Waters \_\_ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO1, PSS, PEM

Total acres of jurisdictional waters on site: 58.85 acres.

Position of jurisdictional waters in landscape and watershed: The jurisdictional wetlands in the eastern and southern portion of the site drain to an unnamed tributary to the Hudson River located off site and to the east. The jurisdictional wetlands in the northern and central portion of the site drain to the Maritje Kill, a tributary to the Hudson River and located in the northeast portion of the site.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

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2. Rationale Used To Determine NJD:

Isolated, intra-state water # H, I, J1, L, M, N, Q, R, and S

The NJD aquatic resources on site consist of (check as many as are appropriate):

\_\_ Pond \_\_ Lake \_\_ Stream X\_\_ Wetlands\* \_\_ Tidal Waters \_\_ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: The wetlands areas indicated above consist of PFO1, PSS, PEM

Aeres of this NJD aquatic resource within property: 6.03 acres

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): The topography of the site is hilly and these depressional wetlands are located along the hillside at higher elevations than the surrounding jurisdictional wetlands. These non-jurisdictional areas range as much as 50 feet in elevation higher and range from 50 to 300 feet from the surrounding jurisdictional wetlands. In addition, no surface water conveyances were noted entering and exiting these areas.

The aquatic resource \_\_x\_\_ is \_\_ is not located completely within the project site.

The aquatic resource \_\_ is \_\_x\_\_ is not connected to waters of the U.S. by x\_\_ a surface channel

x\_\_ underground culvert \_\_x other means (identify) by which water could flow between the two:

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The aquatic resource \_\_ is x\_\_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2005-00817

**DATE OF DETERMINATION:** April 17, 2006

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N **Date:**  
At the project site Y **Date:** September 13, 2005  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York

County: Dutchess

Center coordinates of site by latitude & longitude coordinates: lat:41-38-44.4480 lon:73-48-21.1320

Approximate size of site/property (including uplands) in acres 13.93

Name of waterway or watershed: Unnamed Tributary to Sprout Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.36								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2005-00817**

**ADDITIONAL INFORMATION SUPPORTING NJD**

1. Site Conditions:

Total acreage of site: 13.93

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☐ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: \_\_\_\_\_

Total acres of jurisdictional waters on site: \_\_\_\_\_

Position of jurisdictional waters in landscape and watershed:

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

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2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.36

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Approximately 1000 feet from nearest waters.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel  
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

# **INFORMATION SHEET**

## **DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2005-00823

**DATE OF DETERMINATION:** April 17, 2006

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N **Date:**

At the project site Y **Date:** September 27, 2005  
(Y/N)

### **PROJECT LOCATION INFORMATION:**

State: New York

County: Dutchess

Center coordinates of site by latitude & longitude coordinates: lat:41-36-24.0840 lon:73-49-15.3120

Approximate size of site/property (including uplands) in acres 29.08

Name of waterway or watershed: Unnamed Tributary to Fishkill Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.21								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2005-00823**

**ADDITIONAL INFORMATION SUPPORTING NJD**

1. Site Conditions:

Total acreage of site: 29.08

The jurisdictional waters on site consist of (check as many as are appropriate):

X Pond    Lake    Stream X Wetlands\*    Tidal Waters    Other (identify type):   

\* If wetlands are present, indicate Cowardin classification: PEM, PSS, PFO

Total acres of jurisdictional waters on site: 2.24

Position of jurisdictional waters in landscape and watershed:

Wetlands associated with former pond.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Developed - existing school.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (Wetland 'A')

The NJD aquatic resources on site consist of (check as many as are appropriate):

   Pond    Lake    Stream X Wetlands\*    Tidal Waters    Other (identify type):   

\* If wetlands are present, indicate Cowardin classification: PEM, PFO

Acres of this NJD aquatic resource within property: 0.21

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland located approximately 240 feet from nearest waters of U.S. with no hydrologic connection.

The aquatic resource    is X is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by    a surface channel

   underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.



# INFORMATION SHEET

## DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2004-01253

**DATE OF DETERMINATION:** April 18, 2006

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N **Date:**  
At the project site Y **Date:** November 23, 2004  
(Y/N)

### PROJECT LOCATION INFORMATION:

**State:** New York

**County:** Dutchess

**Center coordinates of site by latitude & longitude coordinates:** lat:41-34-54.0120 lon:73-53-48.0120

**Approximate size of site/property (including uplands) in acres:** 5.08

**Name of waterway or watershed:** Unnamed Tributary to Wappinger Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.14								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2004-01253**

**ADDITIONAL INFORMATION SUPPORTING NJD**

1. Site Conditions:

Total acreage of site: 5.08

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO

Total acres of jurisdictional waters on site: 0.42

Position of jurisdictional waters in landscape and watershed:

Wetlands associated with stream corridor.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Formerly agricultural.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (B)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.14

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland located approximately 100 feet from nearest waters of U.S., separated by a 2-foot-high upland ridge.

The aquatic resource ☐ is ☒ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.